

Relief of Distress (Ireland) Act Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Guarantees by presentment sessions.
3. Term of such guarantees.
4. Ordinary session may guarantee.
5. Amount to be paid by baronies.
6. Repayment by company of money contributed by baronies.
7. Evidence of repayment by company.
8. Accounts of receipts to be rendered.
9. Sums mentioned in certificates to be presented by grand jury and paid by county treasurer.
10. Tenants may deduct half the cess from the rent.
11. In case of premises valued at and under £1. immediate lessors to pay county cess.
12. Sub-lessors may make proportionate reductions from superior landlord's rent.
13. Receipts for rates to be taken in discharge.
14. Cessation of guarantee.
15. Actions by county treasurer.
16. Duration of Act.

SCHEDULE.

A

B I L L

TO

Amend the Relief of Distress (Ireland) Act.

A.D. 1881.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. This Act may be cited as the Relief of Distress (Ireland) Short title, Amendment Act, 1881.

2. For the purpose of enabling any barony or baronies to give ~~guarantees~~ by present-
ment sessions. guarantees in favour of any railway scheduled to the Relief of Distress (Ireland) Amendment Act, 1880, as well as to those rail-
ways scheduled to this Act, the Lord Lieutenant may, if he think fit, in exercise of the power conferred upon him by the Relief of Distress (Ireland) Act, 1880, convene extraordinary presentment sessions for any barony, and may, by instructions to the justices and the associated espyers assembled at such sessions, authorise and empower them by presentment to charge the barony by way of guarantee with the interest upon [the share capital of such railway, such interest not to exceed five per centum per annum and to be limited to an amount not exceeding one half of the share capital required for the proper completion of such railway.

20 3. Any such guarantee on the part of any barony or baronies ~~shall not exceed a term of fifty years~~ ^{Term of such guarantees.} and be limited to that period, or any lesser period that may be agreed to by the barony or baronies liable for its payment.

4. Any barony may be empowered at any meeting of its present-
ment sessions to guarantee any sum within the foregoing prescribed limits to any railway, and such guarantee shall have all the effect as if the same was passed at any extraordinary presentment sessions, as defined in the Relief of Distress (Ireland) Amendment Act, 1880.

25 5. For the purpose of ascertaining the sums (if any) which the baronies after the opening of the railway shall respectively pay as by this Act provided to be paid by them, and for the purpose of ^{Ordinary sessions may guarantee.} ^{Amount to be paid by baronies.}

[Bill 198.]

A

A.D. 1881. ascertaining the net receipts from the railways, and for other the purposes in this Act mentioned, the Board of Trade may, during such period as aforesaid, upon the request of the company, from time to time, by warrant under the hand of their secretary for the time being, appoint as arbitrators the county surveyor acting for 5 the time being in the county in which any railway or portion of a railway may be constructed under the provisions of this Act, and two other persons to be selected by the Board of Trade, and may supply the place of any such arbitrators dying or resigning, or refusing or failing or becoming incapacitated to act, and such 10 arbitrators shall from time to time ascertain and determine the amount of the net receipts as proscribed by this Act in respect of the railways in each half year, and also any other matters which to them it may appear necessary to inquire into and determine upon in order to ascertain the amount which may be applicable to the 15 payment of the said dividend upon the said baronial guaranteed shares as herein-before provided, and shall thereupon apportion and determine the amount of such half-yearly sums, if any, to be paid and made up by the barony or baronies liable to pay the same, such arbitrators taking into consideration the benefit or supposed benefit, 20 immediate or prospective, which such baronies may respectively in their opinion have derived or be likely to derive from the formation and opening of the railways, and the arbitrators shall set forth the several matters so ascertained and determined by them in a certificate in writing under their hands, or, in case all the said 25 arbitrators shall be unable to agree, under the hands of any two of them, and every such certificate shall be in all respects final and binding on the said barony or baronies; and from and immediately after the delivery of any such certificate to the secretary of the grand jury of the county in which any such railway or portion of a 30 railway may be constructed as by this Act directed, the barony or baronies, and all lands, hereditaments, or premises therein respectively, shall be and the same are hereby charged and made chargeable with the payment of such half-yearly sums as shall be specified and set forth in every such certificate, and a copy of 35 every such certificate shall be delivered to the company, and the company shall immediately thereon pay to such arbitrators their costs and expenses, and such remuneration for their trouble in regard thereto as the Board of Trade shall order and direct.

Repayment
by company
of money
contribution
by baronies.

6. If and whenever in any half year there shall remain any 40 surplus of the net receipts from the said railways (after deducting from the gross receipts the expenses of the management and working of the said railways, and the moneys for the time being payable in

respect of any debt or demand secured or created by mortgage or debenture stock of the company, and after deducting dividend at the rate of five per centum per annum or any lesser interest which may be agreed upon, upon the capital of the company by this Act authorised, and at the time paid up), and any money shall have been contributed by the barony or baronies to the company under this Act, such surplus shall be paid over by the company to the treasurer of the said county until all moneys paid to the company from the barony or baronies, together with the costs and expenses 10 of levying the same, shall have been repaid to such treasurer; and all moneys so paid to such treasurer shall be carried by him to the credit of the baronies in proportion to the amounts paid by them respectively under the provisions of this Act, and shall be applied by him in reduction of the county cess payable by the baronies 15 respectively.

7. When and so soon as all moneys contributed from time to time by the barony or baronies, together with the costs and expenses of levying the same, have been repaid to the treasurer of the said county, a certificate that such moneys have been so repaid shall be 20 made in duplicate, and shall be signed by the secretary of the said grand jury, and one copy of such certificate shall be retained by the secretary at the office of the said grand jury, and one copy shall be deposited with and retained by the secretary or other officer of the company, and the production of either copy shall be conclusive 25 evidence that all moneys contributed by the barony or baronies, together with the said costs and expenses pursuant to this Act up to the date of such certificate, have been repaid by the company.

8. For the purpose of ascertaining the receipts from the rail-ways, and the expenses of the management and working thereof, 30 and the sums, if any, applicable to the payment of the dividend as aforesaid, the company shall from time to time, on or before the *first day of May* and the *first day of November* in every year, make out and render to the arbitrators full, true, and distinct accounts of all the receipts in the nature of revenue for the then preceding 35 half-year ending the *thirty-first day of December* and the *thirtieth day of June* in each year arising in any manner from the undertaking, and of the expenditure thereof, which accounts the arbitrators shall and they are hereby authorised and empowered to examine, with the documents and vouchers evidencing the same; 40 and all books, papers, and accounts in the custody and control of the company relating to the business of the company, and all such accounts, documents, vouchers, books, and papers, shall be

A.D. 1881.

Evidence of
repayment
by com-
pany.Accounts of
receipts to
be rendered.

A.D. 1881. kept by the company, who shall, upon the request of the said arbitrators, from time to time produce the same to such arbitrators for examination, and such arbitrators may, if they think fit, employ an actuary or accountant to assist them in such examination from time to time at the cost and expense of the company; and the company shall, so long as the barony contributions continue, keep proper and correct books of account to show the receipts and profits of the undertaking, and the expenditure thereof, to which books of account the arbitrators shall have at all reasonable times access, and from which they may at all times take extracts; and the company shall during the said period send duplicate returns to the said arbitrators of the accounts which they are bound by any Act of Parliament now in force, or that may hereafter be in force, to transmit to the clerks of the peace; and the arbitrators shall adjust and balance the accounts, and as to all matters relating to the said accounts, or what shall be considered as gross receipts from traffic, or net profits from traffic, their decision shall in all respects be final and conclusive on all parties.

Sums mentioned in certificates to be presented by grand jury and paid by county treasurer.

9. The arbitrators shall from time to time deliver the certificate by this Act directed to be prepared by them to the secretary of the grand jury of the county in which any such railway or portion of a railway may be constructed, who shall lay such certificate, or a copy thereof, before the grand jury at the assizes next after he shall have received the same; and it shall be lawful for the grand jury and they are hereby required, from time to time, and without application to presentment sessions, to present the sum mentioned in every such certificate relating to the barony or baronies, together with the costs and expenses of levying the same, to be raised and levied in like manner as any presentment made under the authority of an Act passed in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter 116, and any Act or Acts amending the same; and the treasurer of such county, out of the first moneys collected and remaining in his hands after payment of Government advances, gaol expenses, and salaries of public officers payable by him, shall pay the sum so presented by the grand jury to the secretary of the company, or in such manner as the company shall direct; and if the grand jury shall fail to present the sum, or any part thereof, contained in any such certificate, together with the costs and expenses of levying the same, the treasurer of the county shall and he is hereby required to insert such sum, or such omitted part thereof, together with the costs and expenses of levying the same, in his warrant for raising the moneys presented at the same assizes, as if such sum had been duly pre-

sented by such grand jury to be raised and levied in [manner herein-before mentioned off the baronies as aforesaid, and the same shall be raised and levied off the baronies accordingly as if the same had been so presented, and the said treasurer shall pay over the amount, 5 when by him received as herein-before provided, as if such money had been presented by the grand jury: Provided always, that the amount of county cess levied from time to time under the provisions of this Act shall be distinctly specified in the receipts from time to time given to the persons respectively liable to pay and 10 paying the same.

10. When any person occupying any lands, tenements, or hereditaments in any of the baronies, who has paid any county cess under the provisions of this Act, shall be liable to pay rent in respect of such lands, tenements, or hereditaments, he may deduct from such 15 rent, for each pound of the rent which he shall be liable so to pay, one half of the sum which he shall have paid as county cess under the provisions of this Act in respect of each pound of the net annual value of such lands, tenements, or hereditaments as valued under the Acts relating to the valuation of rateable property in 20 Ireland, and so in proportion for any less sum than a pound: Provided always, that it shall not be lawful for any such person to deduct from the rent payable by him for such lands, tenements, or hereditaments a larger sum than one half of the amount of the county cess that has been paid by him in respect of the same under 25 the provisions of this Act; and provided also, that no deduction shall be made from tithe reevecharge or other composition in lieu of tithes for or on account of any such county cess so paid as aforesaid.

11. Whenever the net annual value of all the lands, tenements, 30 or hereditaments situate in the baronies, or any of them, occupied by any person under any tenancy does not exceed four pounds so valued under the Acts relating to the valuation of rateable property in Ireland, and any grand jury cess is, under the provisions of this Act, leviable in respect of the said lands, tenements, 35 and hereditaments, then such cess shall, after the passing of this Act, be paid and payable by the immediate lessor or lessors of such person, and may be recovered from such immediate lessor or lessors in like manner as, but for the provision of this section, it might have been recovered from the person occupying such lands, tenements, 40 or hereditaments.

If any such cess payable by any such immediate lessor be not paid within four months after the same has become due, the person

Tenants may deduct half the cess from the rent.

In case of premises valued at and under 4*l.* immediate lessor to pay county cess.

A.D. 1881. duly authorised to collect the same may give notice in writing to the occupier for the time being of such lands, tenements, or hereditaments to pay the cess due in respect of the same; and after the expiration of one calendar month from the time of giving such notice it shall be lawful to recover such cess from such occupier, 5 or, on his default, from any subsequent occupier of the said lands, tenements, or hereditaments, in like manner as if the same were cess due in respect of lands, tenements, and hereditaments of a net annual value greater than four pounds.

And every such occupier so paying such cess may deduct from 10 the rent he may be then or next thereafter liable to pay in respect of such lands, tenements, or hereditaments the whole of any such cess that he may have paid in respect of the same, and if rent sufficient to cover such cess be not then or do not thereafter become due from such occupier in respect thereof, he shall be entitled to 15 recover the same from such immediate lessor by civil bill.

Sub-lessees
may make
proportionate
reductions
from superior
landlord's
rent.

12. When any moneys may be deducted on account of any county cess paid under the provisions of this Act from any rent payable to any person in respect of any lands, tenements, or hereditaments, and such person shall also pay a rent in respect of such 20 lands, tenements, or hereditaments, he shall be entitled to deduct from the rent payable by him a sum bearing such a proportion to the amount of county cess deducted as aforesaid from the rent payable to him as the rent payable by him bears to the rent payable to him, not exceeding the half of the said county cess payable by 25 him: Provided always, that no lessee or other person paying any county cess under this Act in respect of any lands, hereditaments, or premises held by him for lives renewable for ever, or for the residue of any term of years which when originally created shall have been not less than nine hundred years, shall deduct any 30 portion of such county cess from the rent payable by him in respect of such lands, hereditaments, or premises; and provided also, that no deduction in respect of county cess paid under the provisions of this Act shall be made from any rentcharge granted by way of jointure, or any other rentcharge or annuity granted, limited, or 35 devised for a life or lives in being only, or for years determinable on a life or lives in being.

Receipt for
rents to be
taken in
discharge.

13. In all cases a receipt for the county cess to be levied under the authority of this Act in respect of any lands, hereditaments, or premises shall be accepted by every person entitled to receive rent 40 in respect of the same in lieu of such a portion of rent as the person tendering such receipt is hereby entitled to deduct from such rent

hy reason of his payment of the county cess for which such receipt A.D. 1881.
 shall be given: Provided always, that no deduction on account of
 any payment of county cess under this Act shall be held to be a
 discharge of any portion of any gale or quarterly or other payment
 5 of rent due from the person entitled to make such deduction so as
 to prejudice the right of any landlord to recover the possession of
 any lands, hereditaments, or premises by ejectment for nonpay-
 ment of rent thereof in any case where the remaining portion of
 10 such gale shall be unpaid; but it shall be lawful for such landlord
 to proceed for the recovery of such lands, hereditaments, or premises
 by ejectment as effectually as if the entire gale, quarterly or other
 payment of rent, out of which such deduction is hereby allowed had
 remained wholly due and unpaid.

14. After the expiration of the term which may be agreed upon Cessation of
Guarantee.
 15 the liability of the barony or baronies to contribute any moneys for
 the purposes of this Act shall cease and determine, and the baronial
 guaranteed shares for such amount as may be agreed upon, or such
 part of them as shall have been issued, shall thenceupon become
 20 preference shares in the capital of the company, entitled to a
 preferential dividend of five per cent. or such other interest as may
 have, previous to such cessation by the barony or baronies, been paid
 out of the profits of each year.

15. In all cases where any moneys are under the provisions of Actions by
county
treasurer.
 this Act made payable by the company to the treasurer for the
 25 time being of the said county, such treasurer in default of pay-
 ment thereof by the company, may recover the same with full
 costs of suit, by action in any court of competent jurisdiction; and
 in suy such action such treasurer shall be the nominal plaintiff,
 and as such entitled to sue on behalf of the county, and no such
 30 action shall abate or be discontinued by reason of the death,
 removal, or resignation of any such treasurer; and all moncys
 received or recovered by such treasurer under the provisions of this
 Act shall be carried by him to the credit of the baronies in propor-
 35 tion to the amounts paid by them respectively under the provisions
 of this Act, and shall be applied by him in reduction of the county
 cess payable by the baronies respectively.

16. This Act shall expire on the *thirty-first day of December one thousand eight hundred and eighty-three*, except as regards any Duration of
Act.
 application pending at that date.

A.D. 1881.

S C H E D U L E.

1. Railway from Tuam to Claremorris, with branch to Hollymount, Ballinode, and Cong.
2. Railway from Ballyhaunis to Ballahaderin.
3. Railway from Banagher to Portumna, with pier on Loch Derg. 5
4. Railway and bridge from the Parsonstown and Portumna to join Railway No. 3 in Portumna.
5. Railway or tramway from Limerick to Killaloe along the bank of the Shannon, with pier at Killaloe. 10
6. Railway from Headford to Kenmare.
7. Railway from Castleisland to Abbeyfeale.
8. Railway from Dungarvan to Youghall.
9. Railway or tramway from Waterford to Dunmore.
10. Railway from Milltown Malbay to Kilkee and Kilrush. 15

Relief of Distress (Ireland) Act Amendment.**B I L L**

A.

To amend the Relief of Distress (Ireland) Act,

(Prepared and brought in by

Major Nolin, Mr. O'Neil, Mr. James Carty,
Mr. Justice McCarry, Mr. Lutton, Colonel
Cobden, Mr. O'Sullivan, and Mr. Ginnane.)

Ordered, by the Houses of Commons, as follows,

23 June 1881.

[Bill 198.]

Under 2 o'clock.